

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

OLGA A. SAHAN,

Plaintiff,

v.

HOME DEPOT U.S.A., INC.,

Defendant.

Civil Action No. 05-11622 MLW

Plaintiff Olga A. Sahan's Motion for an Order of Impoundment

Now comes Plaintiff Olga A. Sahan pursuant to Local Rule 7.2 and U.S.D.C. CM/ECF Administrative Procedures I(1)(a) seeking an order of impoundment and permission to file under seal the parties' Joint Motion for Approval of Confidential Settlement Agreement and Entry of Stipulated Judgment.

In support of this motion, Plaintiff states:

1. On August 4, 2005, plaintiff filed this lawsuit alleging that defendant had failed to properly pay her wages under Massachusetts law and the Fair Labor Standards Act ("FLSA"), 29 U.S.C. §§ 201 et seq., and for discrimination because of her sex (female) in violation of M.G.L. c. 151B, Title VII of the Civil Rights Act of 1964, the Massachusetts Equal Pay Act (M.G.L. c. 149, § 105A), and the Federal Equal Pay Act (29 U.S.C. § 206(d)). By way of motion dated June 13, 2006, Plaintiff amended her complaint to add an additional count of gender discrimination in violation of Title VII of the Civil Rights Act of 1964, and M.G.L. c. 151B.

2. After the close of discovery, on July 2, 2007, the parties, with their respective counsel, attended mediation before United States District Court Magistrate Judge Judith Dein. At the mediation, the parties engaged in successful settlement discussions.

3. The parties have reached a settlement of plaintiff's claims under the FLSA and the Massachusetts Payment of Wages Law, M.G.L. c. 149 and c. 151. Plaintiff and Defendant have now executed a confidential FLSA Settlement Agreement and Release. Because plaintiff's action and claims arise under the FLSA, the parties' settlement must be approved by the Court and approval must be entered as a stipulated final judgment. Because of this requirement of court approval, Defendant has required as a condition of settlement that the FLSA Settlement Agreement and Release and order of dismissal and stipulated judgment be filed under seal and subject to impoundment.

4. The parties desire to submit a copy of the confidential FLSA Settlement Agreement and Release to the Court under seal and subject to an impoundment order for its review, approval and entry of an order of dismissal and stipulated judgment. Entry of this order of impoundment will allow the parties to maintain the confidentiality of their Agreement and allow plaintiff to realize the benefit of the settlement.

WHEREFORE, the plaintiff respectfully request that the Court enter an Order of impoundment so that the parties may file their Joint Motion for Approval of Confidential Settlement Agreement and Entry of Stipulated Judgment, which for the good cause set forth above shall remain impounded until further order of the court.

Respectfully submitted,
PLAINTIFF OLGA A. SAHAN
By Her Attorneys,

/s/ Justine H. Brousseau

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Dated: August 14, 2007